

SUBSTITUTE FOR  
SENATE BILL NO. 827

A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
(MCL 380.1 to 380.1852) by adding sections 1180 and 1181.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1           SEC. 1180. (1) THE ADMINISTRATOR OF A PUBLIC OR NONPUBLIC  
2 SCHOOL, OR HIS OR HER DESIGNEE, WHO RECEIVES A COPY OF A DO-NOT-  
3 RESUSCITATE ORDER EXECUTED UNDER SECTION 3A OR 3B OF THE MICHIGAN  
4 DO-NOT-RESUSCITATE PROCEDURE ACT, 1996 PA 193, MCL 333.1053A AND  
5 333.1053B, FROM A GUARDIAN OR PARENT OF A PUPIL SHALL ENSURE THAT  
6 ALL OF THE FOLLOWING ARE MET:

7           (A) FOR A PUPIL WITH AN INDIVIDUALIZED EDUCATION PROGRAM, THE  
8 DO-NOT-RESUSCITATE ORDER MUST BE MADE A PART OF THE PUPIL'S  
9 INDIVIDUALIZED EDUCATION PROGRAM IN THE SAME MANNER AS OTHER  
10 MEDICAL INFORMATION REGARDING THE PUPIL.

1           (B) FOR A PUPIL WITHOUT AN INDIVIDUALIZED EDUCATION PROGRAM,  
2 BOTH OF THE FOLLOWING:

3           (i) THE DO-NOT-RESUSCITATE ORDER MUST BE PLACED IN A FILE  
4 CREATED SPECIFICALLY FOR A DO-NOT-RESUSCITATE ORDER AND THAT FILE  
5 MUST BE STORED IN ALL OF THE SAME LOCATIONS IN WHICH AN  
6 INDIVIDUALIZED EDUCATION PROGRAM IS STORED.

7           (ii) ALL PARTIES THAT RECEIVE NOTICE OF AN INDIVIDUALIZED  
8 EDUCATION PROGRAM MUST RECEIVE NOTICE OF A DO-NOT-RESUSCITATE ORDER  
9 FOR A PUPIL WITHOUT AN INDIVIDUALIZED EDUCATION PROGRAM.

10           (C) IF THE ADMINISTRATOR, OR HIS OR HER DESIGNEE, RECEIVED A  
11 DO-NOT-RESUSCITATE ORDER FOR A PUPIL DURING THE IMMEDIATELY  
12 PRECEDING SCHOOL YEAR, THE ADMINISTRATOR, OR HIS OR HER DESIGNEE,  
13 SHALL INQUIRE OF THE PUPIL'S PARENT OR GUARDIAN AT THE BEGINNING OF  
14 THE SCHOOL YEAR TO DETERMINE IF THE ORDER IS STILL IN EFFECT.

15           (2) THE ADMINISTRATOR OF A PUBLIC OR NONPUBLIC SCHOOL, OR HIS  
16 OR HER DESIGNEE, WHO RECEIVES ACTUAL NOTICE THAT A DO-NOT-  
17 RESUSCITATE ORDER HAS BEEN REVOKED UNDER SECTION 10 OF THE MICHIGAN  
18 DO-NOT-RESUSCITATE PROCEDURE ACT, 1996 PA 193, MCL 333.1060, SHALL  
19 IMMEDIATELY MAKE THE REVOCATION PART OF THE PUPIL'S INDIVIDUALIZED  
20 EDUCATION PROGRAM IN THE SAME MANNER AS OTHER MEDICAL INFORMATION  
21 REGARDING THE PUPIL OR PLACE THE REVOCATION IN THE FILE CREATED  
22 UNDER SUBSECTION (1) (B) (i), AS APPLICABLE. ALL PARTIES ENTITLED TO  
23 NOTICE OF AN INDIVIDUALIZED EDUCATION PROGRAM MUST RECEIVE NOTICE  
24 OF A REVOCATION OF A DO-NOT-RESUSCITATE ORDER, REGARDLESS OF  
25 WHETHER THE REVOCATION PERTAINS TO A PUPIL WITH AN INDIVIDUALIZED  
26 EDUCATION PROGRAM.

27           (3) A SCHOOL ADMINISTRATOR, TEACHER, OR OTHER SCHOOL EMPLOYEE

1 DESIGNATED BY THE SCHOOL ADMINISTRATOR, WHO IN GOOD FAITH  
2 ADMINISTERS A COMFORT CARE MEASURE TO A PUPIL, OR REFUSES TO  
3 PERFORM RESUSCITATION ON A PUPIL, IN AN EMERGENCY THAT THREATENS  
4 THE LIFE OR HEALTH OF THE PUPIL, IN COMPLIANCE WITH A DO-NOT-  
5 RESUSCITATE ORDER, IS NOT LIABLE IN A CRIMINAL ACTION OR FOR CIVIL  
6 DAMAGES AS A RESULT OF AN ACT OR OMISSION IN THE ADMINISTRATION OF  
7 THE COMFORT CARE MEASURE, OR THE REFUSAL TO PERFORM RESUSCITATION,  
8 EXCEPT FOR AN ACT OR OMISSION AMOUNTING TO GROSS NEGLIGENCE OR  
9 WILLFUL AND WANTON MISCONDUCT.

10 (4) AN INDIVIDUAL SHALL COMPLY WITH SECTION 11(3) OF THE  
11 MICHIGAN DO-NOT-RESUSCITATE PROCEDURE ACT, 1996 PA 193, MCL  
12 333.1061.

13 (5) A SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, NONPUBLIC  
14 SCHOOL, MEMBER OF A SCHOOL BOARD, OR DIRECTOR OR OFFICER OF A  
15 PUBLIC SCHOOL ACADEMY OR NONPUBLIC SCHOOL IS NOT LIABLE FOR DAMAGES  
16 IN A CIVIL ACTION FOR INJURY, DEATH, OR LOSS TO AN INDIVIDUAL OR  
17 PROPERTY ALLEGEDLY ARISING FROM AN INDIVIDUAL ACTING UNDER THIS  
18 SECTION.

19 (6) THIS SECTION SHALL NOT BE CONSTRUED TO CREATE A RIGHT TO  
20 AN INDIVIDUALIZED EDUCATION PROGRAM.

21 (7) AS USED IN THIS SECTION:

22 (A) "COMFORT CARE MEASURE" MEANS A TREATMENT DESIGNED BY THE  
23 PHYSICIAN ISSUING A DO-NOT-RESUSCITATE ORDER FOR A PUPIL TO ENSURE  
24 THE PUPIL'S MENTAL AND PHYSICAL COMFORT IN CIRCUMSTANCES IN WHICH  
25 RESUSCITATION IS NOT ATTEMPTED. COMFORT CARE MEASURE DOES NOT  
26 INCLUDE THE ROUTINE PROVISION OF MEDICATIONS, TREATMENT, OR  
27 PROCEDURES.

1 (B) "DO-NOT-RESUSCITATE ORDER" OR "ORDER" MEANS THAT TERM AS  
2 DEFINED IN SECTION 2 OF THE MICHIGAN DO-NOT-RESUSCITATE PROCEDURE  
3 ACT, 1996 PA 193, MCL 333.1052.

4 (C) "INDIVIDUALIZED EDUCATION PROGRAM" MEANS THAT TERM AS  
5 DEFINED IN SECTION 1704.

6 SEC. 1181. (1) THE ADMINISTRATOR OF A PUBLIC OR NONPUBLIC  
7 SCHOOL, OR HIS OR HER DESIGNEE, WHO RECEIVES A COPY OF A POST FORM  
8 FROM A PARENT OR GUARDIAN OF A PUPIL SHALL ENSURE THAT BOTH OF THE  
9 FOLLOWING ARE MET:

10 (A) FOR A PUPIL WITH AN INDIVIDUALIZED EDUCATION PROGRAM, THE  
11 POST FORM MUST BE MADE A PART OF THE PUPIL'S INDIVIDUALIZED  
12 EDUCATION PROGRAM IN THE SAME MANNER AS OTHER MEDICAL INFORMATION  
13 REGARDING THE PUPIL.

14 (B) FOR A PUPIL WITHOUT AN INDIVIDUALIZED EDUCATION PROGRAM,  
15 BOTH OF THE FOLLOWING:

16 (i) THE POST FORM MUST BE PLACED IN A FILE CREATED  
17 SPECIFICALLY FOR A POST FORM AND THAT FILE MUST BE STORED IN ALL OF  
18 THE SAME LOCATIONS IN WHICH AN INDIVIDUALIZED EDUCATION PROGRAM IS  
19 STORED.

20 (ii) ALL PARTIES THAT RECEIVE NOTICE OF AN INDIVIDUALIZED  
21 EDUCATION PROGRAM MUST RECEIVE NOTICE OF A POST FORM FOR A PUPIL  
22 WITHOUT AN INDIVIDUALIZED EDUCATION PROGRAM.

23 (2) THE ADMINISTRATOR OF A PUBLIC OR NONPUBLIC SCHOOL, OR HIS  
24 OR HER DESIGNEE, WHO RECEIVES ACTUAL NOTICE THAT A POST FORM  
25 DESCRIBED IN SUBSECTION (1) HAS BEEN REVOKED SHALL IMMEDIATELY MAKE  
26 THE REVOCATION PART OF THE PUPIL'S INDIVIDUALIZED EDUCATION PROGRAM  
27 IN THE SAME MANNER AS OTHER MEDICAL INFORMATION REGARDING THE PUPIL

1 OR PLACE THE REVOCATION IN THE FILE CREATED UNDER SUBSECTION  
2 (1) (B) (i), AS APPLICABLE. ALL PARTIES ENTITLED TO NOTICE OF AN  
3 INDIVIDUALIZED EDUCATION PROGRAM MUST RECEIVE NOTICE OF A  
4 REVOCATION OF A POST FORM, REGARDLESS OF WHETHER THE REVOCATION  
5 PERTAINS TO A PUPIL WITH AN INDIVIDUALIZED EDUCATION PROGRAM.

6 (3) A SCHOOL ADMINISTRATOR, TEACHER, OR OTHER SCHOOL EMPLOYEE  
7 DESIGNATED BY THE SCHOOL ADMINISTRATOR, WHO IN GOOD FAITH PROVIDES  
8 MEDICAL TREATMENT TO A PUPIL THAT IS CONSISTENT WITH THE PUPIL'S  
9 POST FORM IN AN EMERGENCY THAT THREATENS THE LIFE OR HEALTH OF THE  
10 PUPIL, IS NOT LIABLE IN A CRIMINAL ACTION OR FOR CIVIL DAMAGES AS A  
11 RESULT OF AN ACT OR OMISSION IN THE PROVISION OF THE MEDICAL  
12 TREATMENT EXCEPT FOR AN ACT OR OMISSION AMOUNTING TO GROSS  
13 NEGLIGENCE OR WILLFUL AND WANTON MISCONDUCT.

14 (4) A SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, NONPUBLIC  
15 SCHOOL, MEMBER OF A SCHOOL BOARD, OR DIRECTOR OR OFFICER OF A  
16 PUBLIC SCHOOL ACADEMY OR NONPUBLIC SCHOOL IS NOT LIABLE FOR DAMAGES  
17 IN A CIVIL ACTION FOR INJURY, DEATH, OR LOSS TO AN INDIVIDUAL OR  
18 PROPERTY ALLEGEDLY ARISING FROM AN INDIVIDUAL ACTING UNDER THIS  
19 SECTION.

20 (5) THIS SECTION SHALL NOT BE CONSTRUED TO CREATE A RIGHT TO  
21 AN INDIVIDUALIZED EDUCATION PROGRAM.

22 (6) AS USED IN THIS SECTION:

23 (A) "INDIVIDUALIZED EDUCATION PROGRAM" MEANS THAT TERM AS  
24 DEFINED IN SECTION 1704.

25 (B) "POST FORM" MEANS THAT TERM AS DEFINED IN SECTION 5674 OF  
26 THE PUBLIC HEALTH CODE, MCL 333.5674.

27 Enacting section 1. This amendatory act takes effect 90 days

1 after the date it is enacted into law.

2 Enacting section 2. This amendatory act does not take effect  
3 unless Senate Bill No. 784 of the 99th Legislature is enacted into  
4 law.